

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CEDRIC WAYNE BAGBY,)	CASE NO. 1:15 CV 973
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
EXXON MOBILE CORP., President,)	<u>AND ORDER</u>
)	
Defendant.)	

Pro se Plaintiff Cedric Wayne Bagby is a Texas state prisoner incarcerated in the Texas Department of Criminal Justice's William P. Clements Unit in Amarillo, Texas. He brings this *in forma pauperis* action against the President of Exxon Mobile Corporation. The Complaint, which does not set forth coherent allegations, asserts fraud among various companies, "the banks," and the Internal Revenue Service.

Pursuant to 28 U.S.C. §1915(g), a prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." Plaintiff's allegations do not reasonably suggest he is in imminent

danger of serious physical injury. In addition, he has, on at least five prior occasions while incarcerated, filed a civil action in federal court that was dismissed as frivolous. *See Bagby v. Staples*, No.5:13 CV 1092, 2014 WL 7005587 (W.D. Texas Dec. 10, 2014)(dismissing civil rights 42 U.S.C. §1983 action brought by the Plaintiff and citing four previous civil actions the Plaintiff filed in federal courts that were also dismissed as frivolous; *Id.* at *1, citing *Bagby v. Thaler*, 1:12 CV 2001 (District of Columbia); *Bagby v. President of Bank of America*, 1:13 CV 225 (District of Columbia); *Bagby v. Thaler*, 2:13 CV 12 (N.D. Tex.-Amarillo Division); and *Bagby v. Fathi*, 4:13 CV 598 (S.D. Tex.-Houston Division)). Plaintiff is therefore foreclosed from proceeding in *forma pauperis* in this case.

Accordingly, this action is dismissed under 28 U.S.C. §1915(g). The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

DATED: August 24, 2015